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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Krodel et al. On Appeal to the Board of  
Appeals and Interferences  
Serial No. : 09/725,428  
Filed : November 29, 2000 Examiner: Ngoc-Yen Nguyen  
For : METHOD FOR PURIFYING PROCESS Art Unit: 1754  
WASTE GASES

REPLY BRIEF ON APPEAL

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Sir:

This paper is filed in response to the Examiner's Answer mailed on July 12, 2004.

**I. Appellant's Response to Section (11) - Examiner's Response to Argument**

In the Examiner's answer it is stated that Kisters et al. "is considered for a generic, overall process of removing pollutants from the gases not just for a process of removing noxious compounds by adsorption." However, the entire disclosure of Kisters et al. is directed to a process for the removal by absorption of noxious compounds. (See Kisters et al. col. 1, lines 10-11). In particular, the disclosed Example describes an absorption process. In addition, Kisters et al. claims only an apparatus for purging by absorption. (See Kisters et al. col. 4, line 45 - col. 5 line 3) Indeed, the invention of Kisters et al. is entitled Process and Apparatus for the Absorptive Removal of Pollutants from Waste Gases. Thus, it is unquestionable that Kisters et al. discloses only an absorptive process and measures concentration of a single waste gas to determine absorptive uptake. Consequently, Kisters et al. does not disclose a dynamic process of determining the types and amounts of selected harmful substances, where many harmful substances may be present, and adjusting one or more operating parameters accordingly. In particular, neither Rosin et al. nor Kisters et al. teach or suggest directly using first and second measuring signals for adjusting the operating parameters of the waste gas purification system, including amount of combustible gas, amount of oxygen, amount of washing agent in the washing agent circuit, and pH of the washing agent.

Furthermore, the Examiner's Answer states that Tom et al. was only applied to teach that direct heating is conventional in the art of decomposing perfluorocarbon. Even assuming, *arguendo*, that direct heating is conventional, it is axiomatic that to establish obviousness there must be some suggestion or motivation to modify the references or to combine the teachings. Tom et al. discloses an alternative method of destroying halocarbons and describes the drawbacks to incineration specifically to lead one skilled in the art away from using

a combustion process. Therefore, for at least these reasons, it is respectfully submitted that a *prima facie* case that the claims of the present invention are obvious has not been established.

## **II. Conclusion**

For the reasons set forth herein, as well as for the reasons set forth in Appellant's Brief, Appellant respectfully requests reversal of the rejections and allowance of claims 1-13.

Respectfully submitted,  
BAKER BOTTS L.L.P.



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